

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Board of Patent Appeals and Interferences Commissioner for Patents, Washington, D.C. 20231.

Date: 3/5/99

Tina Dasco

(Print Name)

Tina Dasco

(Signature)

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application

Examiner: D. Naff

Inventor's Name(s): Gelfand et al.

Group: 1803

Serial No. 07/873,897,  
filed April 24, 1992

Appeal No. 95-0024

For: Purified Thermostable Enzyme

BOARD OF PATENT  
APPEALS &  
INTERFERENCES

MAR 12 1999

**STATEMENT PURSUANT TO MPEP §708.02(II) IN SUPPORT OF  
PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)**

Alameda, CA 94501  
March 5, 1999

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

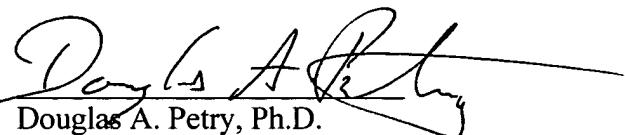
Sir:

Applicants, in the accompanying petition under 37 C.F.R. §1.102(d), respectfully request that the above-referenced application be granted special status because of actual infringement.

Pursuant to MPEP §708.02(II), I, the undersigned, state that (1) there is an infringing product actually on the market, and (2) I have made a rigid comparison of the infringing product with the claims of the present application, and, in my opinion, some of the claims are unquestionably infringed.

The present case is in the final stage of an appeal and, thus, has been examined extensively during the previous prosecution. In view of this, I further state that a thorough search of the prior art has been carried out and all references are already of record.

Respectfully submitted,



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